

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DELJUAN MARKE GOODLOW,

Petitioner,

v.

ISIDRO BACA, *et al.*,

Respondents.

Case No. 3:20-cv-00364-MMD-CLB

ORDER

In this habeas corpus action, the Court appointed counsel for Petitioner Deljuan Marke Goodlow. (ECF No. 5.) The Federal Public Defender for the District of Nevada appeared on Petitioner's behalf on August 5, 2020. (ECF No. 9.) Respondents have also appeared. (ECF No. 8.) The Court will set a schedule for further proceedings in this action as follows.

If necessary, Petitioner must file an amended petition for writ of habeas corpus within 90 days after entry of this order. The amended petition must specifically state whether each ground for relief has been exhausted in state court—for each claim that has been exhausted in state court, the amended petition must state how, when, and where that occurred. If Petitioner determines that an amended petition need not be filed, then, within 90 days after entry of this order, Petitioner must file a notice to that effect.

Respondents will have 60 days following the filing of the amended petition to file an answer or other response to the amended petition. If Petitioner does not file an amended petition, Respondents will have 60 days following the due date for the amended petition to file an answer or other response to the original petition.

Petitioner will have 45 days following the filing of an answer to file a reply. Respondents will thereafter have 30 days following the filing of a reply to file a response

1 to the reply.

2 If Respondents file a motion to dismiss, Petitioner will have 60 days following the
3 filing of the motion to file a response to the motion. Respondents will thereafter have 30
4 days following the filing of the response to file a reply.

5 If Petitioner wishes to move for leave to conduct discovery, Petitioner must file
6 such motion concurrently with, but separate from, the response to Respondents' motion
7 to dismiss or the reply to Respondents' answer. Any motion for leave to conduct discovery
8 filed by Petitioner before that time may be considered premature, and may be denied,
9 without prejudice, on that basis. Respondents must file a response to any such motion
10 concurrently with, but separate from, their reply in support of their motion to dismiss or
11 their response to Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply
12 in support of the motion for leave to conduct discovery.

13 If Petitioner wishes to request an evidentiary hearing, Petitioner must file a motion
14 for an evidentiary hearing concurrently with, but separate from, the response to
15 Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for an
16 evidentiary hearing filed by Petitioner before that time may be considered premature, and
17 may be denied, without prejudice, on that basis. The motion for an evidentiary hearing
18 must specifically address why an evidentiary hearing is required and must meet the
19 requirements of 28 U.S.C. § 2254(e). The motion must state whether an evidentiary
20 hearing was held in state court, and, if so, state where the transcript is located in the
21 record. If Petitioner files a motion for an evidentiary hearing, Respondents must file a
22 response to that motion concurrently with, but separate from, their reply in support of their
23 motion to dismiss or their response to Petitioner's reply. Thereafter, Petitioner will have
24 20 days to file a reply in support of the motion for an evidentiary hearing.

25 DATED THIS 5th day of August 2020.

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28 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE